

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TYKIESHA WARD and JARVIS STEWART,)	
)	
)	
Plaintiffs,)	CIVIL ACTION NO.
v.)	
)	1:22-cv-03182-MHC
PIVOTAL RETAIL GROUP, LLC,)	
)	
Defendant.)	
_____)	

**JOINT NOTICE OF SETTLEMENT AND MOTION FOR TIME TO MOVE
FOR SETTLEMENT APPROVAL**

The Parties jointly notify the Court that the Parties have reached an agreement to resolve all remaining claims at issue in this matter and respectfully request 30 days to move for Court approval of the settlement. In support of this Motion, the Parties show as follows:

1. Plaintiffs initiated this action on August 11, 2022, alleging that Defendant violated the Fair Labor Standards Act (“FLSA”) by failing to pay them for all time worked and by failing to pay Plaintiffs proper overtime compensation.

(Doc. 1)

2. Plaintiffs brought their FLSA claims as a putative collective action.

(*Id.*)

3. On June 20, 2023, the Court denied Plaintiffs' Motion for Certification, for Approval and Distribution of Notice and for Disclosure of Contact Information. (Doc. 30)

4. Discovery in this matter is set to close on Monday, March 4, 2024. (Doc. 38)

5. The Parties have been engaged in discussions to determine whether they can resolve all remaining claims of Plaintiffs at issue and settle the case. As a result of these discussions, the Parties have reached an agreement to resolve all claims still at issue and settle the case.

6. Because the Parties' settlement compromises Plaintiffs' FLSA claims, the Parties intend to seek the Court's approval of their settlement.

7. The Parties are currently working on the settlement-related documents, including the terms and conditions of their settlement agreement. The Parties estimate that it will take up to 30 days to prepare the settlement agreement and to prepare and submit the motion for settlement approval and supporting papers for the Court's consideration.

8. The Parties, therefore, respectfully request that the Court stay all pending deadlines in this matter and provide the Parties 30 days to complete and file the Motion for Settlement Approval and any related documents.

9. This Motion is brought for good cause, will not unduly delay the proceedings, and will not prejudice either Party. The requested stay of all pending deadlines is consistent with Rule 1, which states that the Federal Rules of Civil Procedure “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1.

10. Defendant joins Plaintiff in this request and in this Motion.

WHEREFORE, the Parties hereby request that the Court stay all pending deadlines in this matter and provide the Parties 30 days to complete and file the Motion for Settlement Approval and any related documents. For the Court’s convenience, a proposed order granting this relief is attached hereto as Exhibit 1.

/s/ Andrew J. Kim

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned hereby certifies that the foregoing **JOINT NOTICE OF SETTLEMENT AND MOTION FOR TIME TO MOVE FOR SETTLEMENT APPROVAL** has been prepared in compliance with Local Rule 5.1(B) in 14-point New Times Roman type face.

/s/ Colby Qualls _____

Colby Qualls

Ark. Bar No. 2019246 (PHV)

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on this day I electronically filed the foregoing **JOINT NOTICE OF SETTLEMENT AND MOTION FOR TIME TO MOVE FOR SETTLEMENT APPROVAL** with the Clerk of the Court using the CM/ECF system and served by electronic mail to counsel of record as follow:

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This 4th day of March, 2024.

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EXHIBIT 1

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PIVOTAL RETAIL GROUP, LLC,

Defendant.

CIVIL ACTION NO.

1:22-cv-03182-MHC

ORDER

Having considered the parties' Joint Notice of Settlement and Motion for Time to Move for Settlement Approval, and for good cause shown, the Motion is GRANTED. IT IS HEREBY ORDERED that all pending deadlines in this matter are STAYED. The Parties shall have 30 days from the entry of this Order to complete and file the Motion for Settlement Approval and any related documents.

IT SO ORDERED this _____ day of _____, 2024.

Mark H. Cohen
United States District Judge